

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

ROBERT EDWARD PRITT,

Movant,

v.

CIVIL ACTION No. 1:16-05659  
(CRIMINAL ACTION No. 1:00-00160)

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is movant's motion for appointment of counsel. (ECF No. 96.) Movant requests counsel to continue assisting him in his motion under 28 U.S.C. § 2255 to vacate and modify his sentence.<sup>1</sup> For the following reasons, the court **DENIES** movant's motion.

There is no constitutional right to the appointment of counsel to file post-conviction motions. Lawrence v. Florida, 549 U.S. 327, 336-37 (2007) (citing Coleman v. Thompson, 501 U.S. 722, 756-57 (1991)); Rouse v. Lee, 339 F.3d 238, 250 (4th Cir. 2003), cert. denied, 541 U.S. 905 (2004). Moreover, the court has reviewed movant's claims made in his emergency motion under 28 U.S.C. § 2255 to vacate and modify his sentence, (see ECF No. 67), and has this same day entered a memorandum opinion

---

<sup>1</sup> The court notes that movant did have counsel represent him in his § 2255 filing, and that his § 2255 motion was fully briefed by counsel. (See ECF Nos. 63, 67, and 91.)

and order denying his claims and closing this case. Thus, there is no good cause to appoint new counsel on movant's behalf.

The Clerk is directed to send a copy of this Order to counsel of record and any unrepresented parties.

It is SO ORDERED this 28th day of August, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge